IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1104 OF 2007
IN
CRIMINAL APPEAL NO. 767 OF 2007

Prabhudas V. Lotia ..Applicant

Vs.

The State of Maharashtra ..Respondent

Ms. Tripti Shetty and Mr.Sundeep Velkar for applicant.
Mr. D.P. Adsule, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : September 28, 2007.

P.C.:

. Heard Ms. Shetty with Mr. Velkar the learned counsel for the applicant. Criminal Appeal No. 767 of 2007 filed against the order of acquittal passed by the learned Additional Sessions Judge was admitted by this court on 6/8/2007 and action under Section 390 of Cr.P.C. was to be taken by the trial court. Accordingly, the applicant-accused appeared before the trial court and applied for surrender. He was remanded to the judicial custody till 10/10/2007 and subsequently on 26/9/2007 his application for bail

came to be rejected by the learned Additional Chief Metropolitan Magistrate, 47th Court, Esplanade, Mumbai solely on the ground that the other co-accused Debi Prasanna Chatterjee had already jumped the bail on his failure to comply with the order passed by the court on 24/9/2007. It is pointed out by the learned counsel that the applicant is of 72 years of age and the benefit of being released on bail under Section 390 of Cr.P.C. cannot be denied to him on the basis of the behaviour of the co-accused Debi Prasanna Chatterjee.

. The applicant is hereby directed to be released on bail on his furnishing PR bond in the sum of Rs.5000/-. The application is disposed off accordingly.

. Certified copy is expedited.

(B.H. Marlapalle,J.)